

ATTORNEY'S DOCKET NUMBER: 2006636-0039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | GONDA, Matthew | Examiner: | Pak, Michael D. |
| Serial No.: | 10/508,965 | Art Unit: | 1646 |
| Filing Date: | April 11, 2005 | Confirmation No.: | 9899 |
| Title: | RECOMBINANT EXPRESSION VECTORS FOR FUNCTIONAL NAV1.9 SODIUM CHANNELS | | |

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL UNDER 37 C.F.R. § 1.191

Applicant hereby appeals the rejection of pending claims 1, 4, 6-11, 25, 27, and 29-33 of the above-referenced application. A final Office Action containing a final rejection was mailed on February 20, 2009. The Office Action set forth an extendible deadline of three (3) months from the mailing date, *i.e.*, May 20, 2009. Applicant is submitting herewith a petition for a three (3) month extension of time, extending the time for reply to and including August 20, 2009, along with a credit card payment for the extension fee for a small entity. A credit card payment form authorizing payment of the Appeal fee in the amount of **\$270.00** is enclosed in view of the small entity status of the application. Accordingly, Applicant submits that the present Notice is timely filed.

In the event that there are any deficits in the fees paid herewith, the Director is conditionally authorized to charge any additional fees that are *necessary* to maintain pendency and/or protect the filing date of the present application, or credit any overpayments, to Deposit account number 03-1721, referencing order number 2006636-0039. Should there be any discrepancies in fees paid and those due, a Notice to that effect is respectfully requested.

Respectfully submitted,

/Suzanne P. Nguyen, Ph.D./

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Dated: August 20, 2009

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